

The motion is agreed to.

NOMINATION OF MARK A. KEARNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Mark A. Kearney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the cloture vote on the Pappert nomination.

Who yields time?

Mr. REID. I yield back the time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Harry Reid, Richard J. Durbin, Patty Murray, Barbara Boxer, Patrick J. Leahy, Sheldon Whitehouse, Debbie Stabenow, Michael F. Bennet, John D. Rockefeller IV, Jon Tester, Jack Reed, Mark R. Warner, Tim Kaine, Benjamin L. Cardin, Charles E. Schumer, Christopher A. Coons, Christopher Murphy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 28, as follows:

[Rollcall Vote No. 305 Ex.]

YEAS—67

Alexander	Baldwin	Bennet
Ayotte	Beeghly	Blumenthal

Blunt	Heitkamp	Portman
Booker	Hirono	Pryor
Boxer	Isakson	Reed
Brown	Johnson (SD)	Reid
Cantwell	Kaine	Rubio
Cardin	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Schumer
Coats	Levin	Shaheen
Collins	Manchin	Tester
Coons	Markey	Toomey
Donnelly	McCain	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Vitter
Flake	Merkley	Walsh
Franken	Mikulski	Warner
Gillibrand	Murkowski	Warren
Graham	Murphy	Whitehouse
Hagan	Murray	Wyden
Harkin	Nelson	
Heinrich	Paul	

NAYS—28

Barrasso	Grassley	Moran
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Scott
Corker	Inhofe	Sessions
Cornyn	Johanns	Shelby
Crapo	Johnson (WI)	Thune
Cruz	Kirk	Wicker
Enzi	Lee	
Fischer	McConnell	

NOT VOTING—5

Coburn	Landrieu	Stabenow
Cochran	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 28.

The motion is agreed to.

VOTE EXPLANATION

• Ms. STABENOW. Mr. President, I was unable to attend today's cloture vote on the nomination of Gerald Pappert to the U.S. District Court for the Eastern District of Pennsylvania. Had I been present, I would have supported this cloture motion.●

NOMINATION OF GERALD J. PAPPERT TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

The Senator from Virginia.

AUTHORIZATION FOR THE USE OF MILITARY FORCE

Mr. KAINE. Madam President, next Monday will mark 4 months since the President commenced military action in Syria and Iraq against ISIL. As of December 2, Operation Inherent Resolve, which the administration calls a war on ISIL, has involved more than 1,100 coalition airstrikes in Iraq and Syria, the vast majority carried out by American air men and women. The President has authorized currently 1,400 U.S. ground troops who are deployed in Iraq to train and advise regional forces. The President has authorized an additional 1,500 U.S. troops to serve in that train-and-advise capac-

ity. This past Monday, 250 paratroopers from the 82nd Airborne Division at Fort Bragg, NC, were sent to Iraq. The total cost of the operation thus far to U.S. taxpayers is in excess of \$1 billion.

There have been three deaths of Americans serving in Operation Inherent Resolve. On October 1, Marine Cpl Jordan Spears of Memphis, TN, was lost at sea while conducting flight operations over the Persian Gulf. On October 23, Marine LCpl Sean Neal of Riverside, CA, died in Iraq. On December 1, Air Force Capt. William Dubois of Newcastle, CO, died in support of Operation Inherent Resolve.

Senator KING and I visited Al Udeid Air Base in Qatar in October to see the Combined Air Operations Center in action, and I saw many Virginians there working with colleagues from all service branches and many other coalition nations in directing the air strike campaign.

Let's not make any mistake about this—America is at war. The number of air and ground troops deployed is steadily creeping upwards every day. Our troops are dying. And the fiscal cost to American taxpayers is growing every day.

But this is a most unusual war. While all the activities of war are occurring, there is a strange conspiracy of silence about it in the White House and in the Halls of Congress.

The President has not offered any proposed authorization for the war, despite his suggestions that one is needed. Congress has not debated on, taken committee action on, or voted on the ongoing war. The House is contemplating adjourning for the holidays on December 11, without saying anything about an ongoing war. And because neither the President nor Congress has undertaken the necessary public debate over the war, the American public has not had the chance to be fully educated about what is at stake and why it is in our international interest to ask our troops to risk their lives thousands of miles away.

We owe it to our troops serving abroad—troops who are engaged in war even as we think about recessing and leaving Washington on December 11 for the holidays—to do our job and to have a debate and vote about the war that our Constitution demands.

Let me make an earnest request to our President and to my colleagues in Congress.

To the President: I have previously taken the floor to strongly argue that the President needs new legal authority to conduct the war on ISIL.

When the President spoke to the Nation on September 10, he said that he would "welcome" a congressional authorization. And on November 5, he affirmatively asserted that a new congressional authorization was needed and that he would "engage" Congress

in passing one. But to this date, 4 months after the initiation of war, the administration has not even been willing to present a draft authorization of the mission to Congress.

In testimony yesterday at the Armed Services Committee, no DOD witness could recall a single other instance in which a President told Congress of the need for a war but failed to present a proposed authorization spelling out the dimensions of the military mission.

Instead, the President has persisted in a war that is not within the scope of his Article II powers, that is not authorized by any treaty obligation, that is not justified under either of the congressional authorizations passed in 2001 or 2002. The President's unilateral action has even extended beyond the 60- and 90-day timing requirements created by the War Powers Resolution of 1973.

The President's willingness to push a war without engaging Congress has even violated his own solemn and wise pronouncement of just 1 year ago:

I believe our democracy is stronger when the President acts with the support of Congress. This is especially true after a decade that put more and more war-making powers in the hands of the President—while sidelining the people's representatives from the critical decisions about when we use force.

So I request our President: Make good on your promise to engage Congress. Do what other Presidents have done—demand that we debate and vote on an authorization, and that we do it now.

The votes are here in this body to support the President. I am a supporter of the need for military action against ISIL, and I know that is a position held by a strong majority of the Senate and a strong majority of the House. There is no reason for the President to not demand that we actually have that debate and have that vote.

To my congressional colleagues, I have a similar request. Let's not leave this Capitol without a debate and a vote on this war on ISIL. We have gone 4 months without any meaningful action about this war.

First, we were told that Congress would get to it after the midterm elections, and so we recessed for 7 weeks in the middle of a war without saying one thing—shirking our constitutional duties. Now many are saying we need to delay until after New Year's before having any meaningful discussion of this war. So the unilateral war would extend to at least 5 months—and, in all likelihood, longer—before Congress gets around to any meaningful discussion of the ISIL threat and what we should do to counter it.

Giving this President—giving any President—a green light to wage unilateral war for 5 or 6 months without any meaningful debate or authorization would be deeply destructive of the legitimacy of the legislative branch of our government; it would be deeply disrespectful of our citizens; and it would be especially disrespectful of the troops

who are risking their lives every day while we do nothing.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

POWER TO DECLARE WAR

Mr. KING. Madam President, Senator Kaine has spoken eloquently about events of today. I wish to speak for a few moments about events of 200-plus years ago.

On Tuesday, August 17, 1787, at the Constitutional Convention in Philadelphia, the delegates debated the question of war. They debated it passionately and with a sense of history and human nature. They understood the propensity of the Executive—any Executive throughout history, a prince, a king, a potentate, a sultan—to lead their country into war for good reasons or no good reasons. They understood that this was a basic question before the body—before the Constitutional Convention, and I would assert that the Framers knew what they were doing.

Interestingly, in the first draft of the Constitution, the clause in article I, section 8 that says the Congress shall have the power to declare war, said: The Congress shall have the power to make war. That was the first draft.

The debate was about whether Congress could effectively make and execute war. They wisely, I believe, realized that was impractical, given the nature of Congress and the large number of representatives, and the exigencies of war. So they left the power to the Commander in Chief, to the Chief Executive. They also recognized the Chief Executive's inherent power to repel an attack on this country. But in all other cases what the Constitution says is very clear. Article 1, section 8, says the Congress shall declare war. There was some discussion about this. Some people said, well, we don't want to tie the hands of the Executive, but others made it more clear.

Madison's notes are a fascinating source of information about the history of the Constitution. The notes were taken the day of the debate on Tuesday, August 17, 1787. Mr. Ellsworth of Connecticut stated that "it should be more easy to get out of war than into it." He understood this principle.

Pierce Butler of South Carolina said the Executive should have the power to repel sudden attacks. That is common sense. But then Elbridge Gerry of Massachusetts, I think, put it most succinctly. He said, "I never expected to hear in a Republic a motion to empower the Executive alone to declare war." That is the fundamental issue that is before us today.

Then George Mason of Virginia later in the debate used a wonderful phrase that I think aptly captures what the Framers were after. He said: "I am for flogging rather than facilitating war." That is what we are supposed to do, is to debate, discuss, and have the people engaged in the discussion before this country is committed to war.

The Constitution in the Preamble makes it very clear that one of the fun-

damental purposes of this government or any government is to provide for the common defense. Nobody questions that. Neither Senator Kaine nor myself nor anyone else who is talking about this issue questions, A, whether we should be debating it and, B, that it is our solemn responsibility to provide for the common defense. I happen to think, as Senator Kaine does, that the fight against ISIL is worthy of national attention, worthy of national effort, and should be debated and circumscribed through some form of authorization in this body. There has not been a declaration of war by the Congress since 1942.

I will conclude with the observation that power doesn't spring from one branch of our government to the other overnight or in some flash of inspiration or change. I would argue more aptly it oozes from one branch to the other, not necessarily through Executive usurpation as through congressional application. For us to go home, to take a recess, to say: We don't really want to be talking about this, we don't want to be responsible for this, I think is unfair to the American people. It is unfair to the people who are being put into harm's way. It is unfair and not responsive to the basic principles of the Constitution.

We owe it to our country to have this debate, and it is one that I believe is important and is constitutionally based. We are very good in Congress about not making decisions and then criticizing the Executive for what they do. This is an opportunity where we have the power, the constitutional power and the constitutional responsibility to discuss, debate, and authorize the Executive's actions against this terrible foe. I believe it is our responsibility to do so. To not do so is simply one more sliding away, one more giving away of our constitutional authority to the Executive that I think is in detriment not only to the Constitution itself, clearly, but also to the interests of the American people.

I thank the Presiding Officer.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER

Mr. CORNYN. Madam President, ever since November 4—this last election, some 3 or so weeks ago—a number of people have speculated as to what a new Republican majority in the Senate will mean for the country. We will be working together with our Republican colleagues in the House and with the President, who has hopefully heard the message the American people sent him on November 4. He was the one who said it was his policies that were on the

ballot. I believe the vote by the American people came through pretty loud and clear as to what they thought of those policies. It was pretty clear that they want a new direction.

When people ask me what my constituents expect—my 26.5 million constituents in Texas—I tell them they want us to demonstrate that we can govern. They want us to demonstrate that we can actually solve some of the problems confronting our country. Those problems primarily deal with how we unleash the American economy, get it growing again to create jobs and opportunity so people can find work, provide for their families, and pursue their dreams.

I believe that is what Senator SCHUMER was saying the other day at the National Press Club. We need to focus on the needs of the middle class and the wage earners. They are seeing stagnant wages. While health care, energy, and other costs go up, their paychecks are shrinking. As a result, they are having to live on less, which is not the American dream most people have bargained for.

The truth is no political party or branch of government can govern on its own. The fact is that even though we have a Republican majority in the House and Senate, we still have a divided government, with President Obama in the White House—and he is not constitutionally irrelevant. In fact, he is critical in terms of actually getting things done.

My hope is that we can find issues we can work on together. I believe Republicans and Democrats can vote to put legislation on the President's desk, but then he has a choice to make—either to sign that legislation into law or veto it. We then have a decision to make as to whether we want to try—and whether we can—override his veto.

The truth is none of us can govern on our own. What has been troubling to me—since the election—is that President Obama seems to think he can govern on his own without regard for the Congress. Now, part of the consequences are the debates going on in the House and here in the Senate about the appropriate response to what has been widely seen as an overreach by the President—particularly when it comes to his Executive action on immigration, which circumvented the Congress. He acted as though he could do this alone without any consequence.

We know one thing for sure, and that is the President cannot appropriate money, which is why we are now having this discussion. But there will be other ramifications and consequences as well. I hope one of those consequences is not that we fall back into the dysfunction we have experienced over the last few years where we find ourselves incapable of working together and getting things done. All we can do is all we can do. As a Senate—as a Congress—we can't make the President do anything he is bound and determined not to do, but we can do our job.

I and others have said: Well, with a new majority in the Senate, we have to show we can govern. The truth is we can't govern by ourselves. The President can't govern by himself, and we can't govern by ourselves. That is the constitutional separation of powers and the division of responsibility that we must embrace together.

I don't know where the President has gotten this idea that he thinks he can govern on his own. For 225 years our constitutional norms have said otherwise, and experience has shown otherwise. If we want to make real progress on improving our broken immigration system—we actually saw a bill passed out of the Senate. The President said he is frustrated with the timetable in the House. But there continues to be a bipartisan desire, I believe, to fix our broken immigration system.

If we want to reform our Tax Code, I think that is something we ought to be getting to work on. The fact of the matter is we have the highest tax rate in the world. That is making America less competitive in terms of attracting investment and jobs. It discourages multinational corporations headquartered in the United States from bringing back the money they have earned overseas because they don't want to have to pay taxes twice—for what they have earned on their income overseas and then pay double again when they bring that money back home. We ought to look at what kind of Tax Code makes sense for us and incentivizes investment and job creation in the United States and not be content with a system that discourages that.

I believe there is bipartisan support for doing what we can to shore up Medicare and Social Security. We have all seen the numbers—the aging baby boomers and more and more people retiring. Unfortunately, these young people are being left holding the bag. We are going to be OK—people my age and my generation—but future generations will not be OK unless we do our job now to deal with Medicare and Social Security and make them sustainable into the future.

What I feel has been most discouraging is health care. Whether you supported the Affordable Care Act or were a skeptic, such as I was, I think by and large the evidence is that it didn't work the way the people who were the biggest cheerleaders thought it would work.

One little factoid that jumped out at me yesterday in the Wall Street Journal is that between 2007 and 2013 the average cost for middle-class families for their health care went up 24 percent. That is part of what has made this wage stagnation even worse because people are actually paying more for items such as health care. If there is one thing we ought to all be able to agree on is that what makes health care more available and accessible to more people is when it is more affordable. Unfortunately, the Affordable Care Act did not do that.

Well, I mentioned my disappointment with some of the President's actions—including his Executive action on immigration, which I think has made our job harder—not easier. More recently there were stories of a pending negotiation on the tax bill that the President said he would veto if it got to him. Why didn't the President say: Mr. Majority Leader, if this isn't in it, I am going to consider vetoing it? In other words, why didn't he use the bully pulpit and the leverage the President has to change the package if he didn't like it and make it more acceptable? That is the kind of compromise and negotiation that needs to occur.

What happens when you say I want everything my way or I want nothing? More often than not, you are going to get nothing. Unfortunately, that is what the taxpayers got—a temporary reprieve from the retroactive taxes and no real long-term solution which creates an opportunity to plan and make investments. That is what encourages job creation and job growth and grows the economy. All of this churning and uncertainty is the antithesis of what we need when it comes to growing our economy, creating jobs, and creating more predictability.

I know back in 2008 when President Obama was elected, millions of Americans thought President Obama would be the kind of President that would bring the country together on a number of levels—whether it was a matter of race or just getting the government to be responsive to the needs of the middle class. Unfortunately, he seems to have developed this disdain for the very job he was elected to do. This stuff doesn't happen by accident. It happens as a result of hard work. A lot of that hard work happens behind closed doors where Members of both parties sit around the table and say how can we work this out. When we are doing our best work, it does work out, and although it is not perfect, it is a vast improvement over the status quo. That is the sort of thing the President, unfortunately, seems unwilling or unable to do.

The Executive action on immigration is perhaps the freshest demonstration of the President's contempt for the role of Congress and the normal legislative process. What I find hard to understand and believe is that for the weeks and months leading up to the announcement, the President was repeatedly warned that such a decision would provoke a constitutional crisis. And he was repeatedly warned that what he was getting ready to do was something he did not have the power under the Constitution to do. And not coincidentally, the President—I think on 22 different occasions—admitted publicly that he didn't have the authority to do what he ultimately decided to do with this Executive order, but he did it anyway.

I can't think of many things he could have done that would be more damaging to public confidence and Congress and the Presidency and our ideal

of self-government. If the President says “I don’t have the authority to do this without Congress” but then he proceeds to do it anyway, what are we supposed to think?

As a result of the President’s ill-advised action, the coming weeks and months threaten to be dominated by a political fight that was completely unnecessary. Meanwhile, the bipartisan prospects for compromise on everything from immigration to tax reform have been significantly reduced.

The tragedy is that once we get beyond the daily partisan rhetoric, there are more areas of bipartisan agreement in this Senate than people might think.

For example, Members of both parties want to vote on the Keystone XL Pipeline.

Members of both parties want to pass commonsense regulatory reform that will reduce the burdens on families and businesses.

Members of both parties want to improve our patent system in order to discourage the abuse of costly litigation.

Members of both parties want to address America’s counterproductive business tax rate to help boost investment and create jobs here at home.

Members of both parties want to take action to restore the 40-hour workweek that was penalized by ObamaCare to get people back on full-time work and off of part-time work. People would like to work full time. And there are Members from both parties who want to repeal the law’s medical device tax, falling as it does on the gross receipts of medical device innovators here in America, causing some of my constituents, for example, from Dallas to move their operations to Costa Rica and places where this tax won’t be collected. Those are the sorts of incentives and disincentives that tax policy can have—and in this case, very damaging.

Both parties want an immigration system that puts more emphasis on skills and on education. We are a very compassionate country when it comes to immigration. We naturalize almost 1 million people a year in this country. It is part of what makes our country great. But we ought to recognize that we need to use both our heads and our hearts on a lot of these issues. It makes sense to me and I think to a lot of other people to say: What do these immigrants bring to America that will make us better, and not just operate strictly on the basis of compassion, as in, what do they need? This seems to be a system that helps us to continue to attract the best and the brightest people from around the world through a legal immigration system.

Finally, Members of both parties believe we need a permanent solution to our transportation needs in this country. I come from the fast-growing State of Texas, where we simply don’t have enough resources to build the mass transits and the highways and deal

with the transportation needs we have in order to continue to grow our economy and create jobs. What we have done, sadly—and both parties are complicit in this—is one temporary bandaid after another, making it very hard to plan. We have just put patches on it, and then we come back and—sort of like the movie “Groundhog Day” we do it all over again 6 months or a year later.

None of this is going to be easy. Nobody told us it would be easy, but we need to do it anyway. We need to vote, and we need to come up with solutions.

This is only a partial list of some of the bipartisan, smart ideas that could become law pretty quickly with the right leadership. I am hopeful that after the first of the year in the new Congress, we will look for opportunities—and I am confident we will—to work together to put legislation on the President’s desk to show we can actually function and hopefully regain some of the public’s lost confidence in their government and in self-government itself.

So the question is, What do we do if the President continues to give very little indication that he is going to be a partner in this effort? We need to do our job anyway. His initial reaction in 2014 has been to flout the will of Congress and the will of the American people. I know the temptation is to say we are going to retaliate for the President’s action which we consider unlawful. I think we need to make a measured and prudent and appropriate response. There needs to be consequences when one branch usurps its power under the Constitution. But we don’t need to fall back into the same sort of dysfunction we were in previously that got us to where we are today.

So governing is not about having the executive branch or the legislative branch see how much they can get away with on their own. That is not our Constitution. That is not our form of government. It is about having the two branches working together to try to find common ground and proposing and negotiating policies that serve the national interests—not the interests of one political party or the other but the interests of the country as a whole.

In January I hope to demonstrate that the newfound confidence voters have in Republicans is well-founded, not in the sense that we receive any mandate—believe me, I don’t believe that for a minute, but I do believe people are looking for responsible alternatives to the status quo, and I believe sincerely that, working together, Republicans and Democrats, the Senate and the House and the President can demonstrate that we can actually do our jobs and govern. None of us can do it alone. We can and we must demonstrate that we are able to do our job and function. But, again, in order to move the country forward, in order to find solutions to the problems we have on so many fronts, we are going to have to do this together. I only hope

the President reconsiders his record and his attitude about trying to go it alone because we know that is not going to end very well.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BENNET. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Mr. BENNET. Madam President, I come to the floor today to talk about the tax extenders package the House is likely to vote on today.

Unfortunately and sadly, it looks as though we have reached another low point in the world of dysfunctional Washington politics. The House will vote on what is being called a 1-year retroactive extension of dozens of expired tax laws. This bill contains everything from the research and development tax credit, to the wind production tax credit, to the new markets tax credit, and they have let us know that this is the best bill they could cobble together. But in reality this is not a 1-year extension; it is a 3-week extension of expired tax laws until the end of this year—3 weeks until the end of this year. On January 1 all of our tax laws will expire again. No one in the real world would ever run an enterprise in this manner.

It is bad enough that we do extenders for 2 years without making them permanent, but to say the best we can do is a 1-year extension and to know that really it is only a 3-week extension makes no sense at all. If the purpose of this bill is to encourage investments in business or our communities, how does a 1-year retroactive bill make any sense at all? If the purpose of the bill is to provide greater certainty for families and for businesses, how does a 1-year retroactive bill accomplish that? Only in the land of flickering lights—in Washington, DC—where we are barely keeping the government running, does it make sense.

I thought we had reached a new low 2 years ago when we voted on the so-called fiscal cliff deal—when the Bush tax cuts were expiring and there was a bipartisan deal that was meant to, among other things, avoid the sequester. That bill passed at 2:30 in the morning; then, 90 days later, the sequester went into effect—the very thing we were supposed to be protecting against. That deal is sometimes touted as a great act of bipartisanship. The only thing bipartisan about it was the confession that the two parties couldn’t figure out how to actually get our fiscal house in order. Had we known that night that the sequester was going to go into effect 90 days later—had we known that that night—there is no way there would have been 92 “yes” votes for that deal. There is

no way it would have passed. And we are still living with it today.

Coincidentally, the last time we passed tax extenders, it was part of that deal. The fiscal cliff deal at least provided a 2-year extension to these temporary tax laws. Here, it turns out we will be lucky if we provide 3 weeks of certainty.

Many of the people I represent say this bill is only marginally better than no bill at all, and they reasonably wonder why in the world we wouldn't just do another 2-year extension. They prefer more certainty than that to plan for their businesses and for their communities. Instead of doing the short-term House bill, the Senate should instead take up the bipartisan bill the Senate Finance Committee reported over 6 months ago. I always hear people in this body lament the lack of regular order, and I lament the lack of regular order. This bill represented a great attempt at regular order and it got the votes of Republicans and Democrats on the Finance Committee. We had a markup, and we voted on amendments. Some passed, some didn't. And then we voted the bill out to the Senate floor 6 months ago.

The Ways and Means Committee in the House didn't hold a markup on the House bill they are considering today. It is my understanding the House will be allowing few, if any, amendments. So why is that bill in any way preferable to the Senate bill, where we did the work of legislating? Our 2-year bill deserves a vote here on this floor.

Among dozens of provisions that are important to families and businesses in Colorado and across the country, I wanted to highlight two today. The first is the credit for wind energy. The wind PTC and ITC—the production tax credit and the investment tax credit—have always enjoyed broad support from both sides of the aisle, ranging from its original cosponsor, Senator GRASSLEY from Iowa, to my friend and colleague from Colorado, MARK UDALL. And I should say that nobody has been a greater champion for wind or more relentless over the years in support of the wind industry in Colorado and those high-paying jobs in our State than MARK UDALL.

If enacted into law, the Senate version of the PTC and ITC for wind will continue to drive job growth in Colorado. We are not talking about some fly-by-night experiment here. This isn't some Bolshevik takeover of the United States. These are jobs—manufacturing jobs and other high-paying jobs—right here in the United States.

In Colorado, we have 5,000 people working in this industry. In Colorado, Vestas, which manufactures wind turbines, employs over 1,400 workers across 4 factories—from Pueblo all the way up I-25 to Brighton and Windsor. These are not just manufacturing and design jobs in urban centers, but construction and operations jobs at the actual wind farms.

I visited one of these turbine farms in Peetz, CO, a couple of years ago. It was a little scary because we climbed up—I climbed up—to the very top of the wind turbine. I thought we were done climbing, but then they opened a hatch in the top of this thing and they said: Senator, it is time to go out and see what this looks like, which I did, standing on the top of this wind turbine housing in the shoes I wear on the floor of the Senate. Even though I was hooked up, it was a little scary.

The guy who took me there was telling me he had been able to come back to his home community—a rural community in Colorado—and work in this high-paying job because the wind industry was there. This was something he never would have imagined as a kid, but now he has real opportunity, and there are thousands of people just like him all over my State who are concerned the political conversation here has decoupled once again from their concerns and has become about the internal politics of Washington, DC, and not what is actually going on in places such as rural Colorado or in rural places all across the United States.

This industry drives economic growth across our State—from the conference rooms of tech startups in Boulder and Denver all the way to the 6,000-acre Kit Carson wind power generating site just west of the Kansas State line.

The production tax credit has driven \$105 billion in private investment. This is actually amazing when you think about it, given the fact there has been so much uncertainty associated with it—\$105 billion. It has opened up 550 industrial facilities and provided \$180 million in lease payments to rural farmers, to ranchers, and to landowners who host wind farms.

The mention of those rural farmers and ranchers brings me to the second provision of the EXPIRE Act that I would like to highlight: the tax incentive for conservation easements.

Private land conservation is critical in States such as Colorado. Healthy grasslands, open landscapes, and abundant wildlife are a fundamental part of what is to be in the West and in Colorado. In the 2014 farm bill, we worked really hard to build a strong conservation title.

The easement incentive in the Senate finance bill is an important complement to the work in the farm bill. This incentive accounts for the true value of conserved land, which allows family farmers, ranchers, and moderate-income landowners to preserve land for our kids and for our grandkids to enjoy.

In Colorado, we have landowners lined up to take advantage of this very well-designed program. It opens up conservation opportunities to people who might be land rich but cash poor—producers who feed this country. This is land we have to keep in production. But when you are living in a place where the value isn't calculated properly, and there is a high value associ-

ated with it and you don't have the money to be able to put it into easement, this program can help you do that.

If we do that, we get to hold on to our farms and ranches in our States. But here we are again considering a bill that extends these benefits for only 3 weeks. If it is good policy for 3 weeks, why isn't it good policy for 2 years? If we pass the House bill, we are telling the farmers and ranchers across States such as Colorado that we don't value long-term conservation, that we don't take it seriously.

The loss of this tax incentive would mean less land across the West would be protected—again, a voluntary program. This isn't telling anybody they have to do anything with their farms and ranches; it is an option for them if they want to use it. More wildlife habitat will be lost, water quality will suffer, and Colorado's scenic beauty, which is critical to our way of life and our economy, will be threatened.

If we pass the House bill, people's jobs across Colorado will be placed at risk. And this is all due to Congress's failure to do its job. We can do better than that. We should, at this late hour, reconsider this and pass the Senate bill—pass the EXPIRE Act. We should pass a bipartisan piece of legislation that came out of the Finance Committee through regular order 6 months ago. We have had plenty of time to consider that. Then we should come back and we should do comprehensive tax reform and give our country a Tax Code that is actually worthy of the entrepreneurs who are out there working every day to invent our future. The last time the Tax Code—this might be of interest to the pages here today—the last time the Tax Code was updated in this country, I was in college. I was in college. What are the chances that today's Tax Code reflects the American economy as it actually is, to say nothing of the global economy as it actually is? The chances are zero. This is the work we have been sent here to do. It is hard, but that is what we are supposed to be doing here.

I hope in the new year there is going to be a big change around this place, and I hope all of us use that change to the advantage of the American people by putting ourselves back to work. They are working hard. The least we can do is work together to actually align our legislation and our regulation to the world as it actually exists rather than one that existed 50 or 100 years ago.

Madam President, I appreciate the chance to speak today on these important issues to Colorado.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

TRIBUTE TO MAJOR DAVID WILSON

Mr. CARDIN. Mr. President, this is a bittersweet moment for me, because Maj. David Wilson, who has served in my office in an exemplary way in the Air Force Fellowship Program, will be leaving my office this week. He has been there for the past year. He has been an incredibly valuable member of my staff.

I would like to encourage my colleagues to join me in thanking my military fellow for his exemplary service to the Senate and to wish him well in his next endeavor at the Pentagon. Maj. David Wilson has dedicated his life to serving our Nation. David was commissioned by the U.S. Air Force in 2002 as a graduate of the Air Force Reserve Officer Training Corps at Texas Tech University.

David has served in Texas, Montana, and Germany and has been deployed to Kuwait, Cuba, and Liberia. He has served the Air Force in a wide range of missions, from personnel and readiness to executive officer and deployed squadron commander. While on Active Duty, David has earned a master's degree in international relations.

Major Wilson joined my office as part of the Air Force Legislative Fellowship Program. I know my colleagues familiar with that program know how valuable it is. It is a year-long program that offers those in the military an opportunity to learn about the legislative process firsthand. But for me he has been an additional valuable member of my staff who has advised me on defense issues. He has been very helpful on so many issues.

My staff and I will truly miss Major Wilson. David hit the ground running. When he joined the office, he started contributing immediately. He is personable, hard-working, and enthusiastic. He has been a key member of the staff, providing me with concise, straightforward guidance on some of our most sensitive defense-related legislative issues. He has advised me on issues ranging from how to best address claims backlogs and other problems at the Veterans' Administration to military strategies against Islamic State terrorists.

I know the Presiding Officer joins me in knowing the complications and concerns we get from our veterans community, particularly on delays in getting claims heard. I thank Major Wilson for helping us to understand how we could better serve our veterans in this country.

David has drafted innovative legislation to improve the recruitment of our Guard and Reserve Forces, which I hope to introduce soon. David has worked extremely hard to ensure that Maryland veterans have adequate and timely access to the services they need.

I think our Nation's greatest resource is its young people, especially those who have joined our All-Volun-

teer Force to defend our country and our way of life. Many times we take the opportunity to thank those who wear the uniform of our Nation for defending our principles. We think about what is happening around the world and recognize that in the United States we can pray to the God we want without fear of intimidation. In other parts of the world they would cut your head off for that.

We can express our opposition to government peacefully. We can have an election where the outcomes are in the hands of the voters, and we celebrate that. In other countries they lock up people for dreaming that. Our military makes sure we preserve those freedoms.

The Air Force should be proud of the extraordinary talent they have in Maj. David Wilson. My staff and I still refer to David as "Major," but in fact he has been selected to the rank of lieutenant colonel 2 years below the promotion zone, which is quite an accomplishment. Fewer than 1 percent of the officers up for promotion get promoted 2 years early. So this is a rare accomplishment. It is not surprising in this instance, given David's drive, ambition, and talent.

I urge my colleagues to join me in congratulating Major Wilson on his graduation and thanking him for his service to our country. I also wish to take this opportunity to thank David's wife Susan and daughter Ella for sharing him with the Senate. We have been enriched by his presence. I know of the late hours he has worked and the sacrifices he has made to his family.

MILLENNIUM DEVELOPMENT GOALS

Mr. President, I was pleased to be appointed by the President to be one of the two Senate representatives to the United Nations for the 69th United Nations General Assembly Session. Senator RON JOHNSON of Wisconsin is the other member. The two of us have visited New York together. We have talked about how we can best represent the legislative branch of government at the U.S. Mission in New York to further the objectives the United States has within the United Nations.

Just recently I visited New York. I had a chance to meet with Helen Clark, who is the U.N. Development Program Director, the former Prime Minister of New Zealand, a person who is instrumentally involved in dealing with the development programs within the United Nations.

I mention that because we are now at the conclusion of the 2000 Millennium Development Goals. I want to mention that for a moment because our goals were to reduce poverty, increase the stability of governments. As the Presiding Officer knows, yes, these are core U.S. principles. The Presiding Officer has been very active in Africa, has done an incredible job in Africa in pointing out the need for reducing poverty and increasing stability.

These are our core principles. That is why we do it, our humanitarian goals—

yes, absolutely, our participation. But it is also important for our national security goals. Because if we have nations that are prosperous, that include their people in the prosperity of their nation, have good governance, it is going to be a more stable government and it will help us have partners whom we can rely on to help us deal with world stability, rather than have to call upon our military to restore order.

This helps us reduce our need for conflicts around the world. So the U.N. programs dealing with the Millennium Development Goals were well received when they were conceived a decade ago. There are eight specific goals. What is interesting about the eight specific goals is they had specific, achievable objectives to achieve by 2015.

It was basically to reduce poverty and disease by next year, cutting in half the number of undernourished individuals on this planet to deal with child mortality and maternal health. It was interesting that we recognized last decade that we could deal with some simple issues, such as dealing with infection at birth, dealing with nutrition, dealing with how we deal with an infant being able to breathe properly through simple devices and that we could significantly reduce infant mortality and we could significantly improve maternal health.

So we set those goals. We set the goals of improving primary education because we knew education was an opportunity for children to be able to succeed. Gender equity and equality was a huge issue. Secretary Clinton, when she was Secretary of State, was our leader on this issue globally.

Combating HIV/AIDS, malaria, and other diseases. The United States took a leadership role in the PEPFAR Program that made a consequential difference in dealing with the spread of HIV/AIDS. Environmental sustainability was one of our Millennium Development Goals because we recognized that to be perhaps the greatest challenge on how we are going to deal with the sustainability of our environment with the challenges of global climate change.

We also recognized that we needed global partners for development. These are all part of the Millennium Development Goals. We recognized these are not just goals of each nation working together within the United Nations to achieve, but it also involves private foundations. It involves international organizations, NGOs, all working together in order to achieve these objectives.

Guess what. Now that we are reaching that plateau in 2015, we can look back and say we accomplished a great deal for this planet, a 15-percent reduction in extreme poverty since the Millennium Development Goals were established. That is an incredible accomplishment. We now have safe drinking water in so many parts of the world that did not have safe drinking water when these goals were developed.

Gender disparity in education has been dramatically reduced. It has been estimated that since the Millennium Development Goals were established, we have saved—100 million babies have survived who would otherwise not survive. That is an incredible accomplishment we have been able to achieve since the development of these goals.

Yes, there is much more that needs to be done. Every year about 6 million babies die needlessly at birth. We can do much better and save more children. The Ebola crisis in West Africa teaches us that we still need to deal with basic health services. In so many countries in the world the spread of Ebola was because they were not prepared to deal with basic health care needs. They could have dramatically reduced the spread of the Ebola virus.

We still have, unfortunately, widespread corruption affecting our Millennium Development Goals in countries around the world. Quite frankly, we cannot accomplish what we want in a country—that is, get their agriculture sustainable, develop the health clinics they need, deal with the gender equity—if they have corrupt government.

So dealing with the issue of good governance is clearly an area we need to improve. We are now talking about the post-2015 development goals, Millennium Development Goals. The United Nations is working on that. Helen Clark, whom I talked to, is working on that. They have some working documents in which they are prepared to come together, as they did for the original Millennium Development Goals, which offer again additional opportunities.

We need to build on what we have done and make sure we have achievable goals. I want to mention a couple of areas that I hope will be included in the post-2015 Millennium Development Goals. First, we need to deal with the realities of the current threats we have. The Ebola crisis points that out.

It is interesting that Nigeria had a few cases of Ebola, but they were able to eradicate it. One of the reasons they were able to eradicate it is because they had a health clinic set up from the PEPFAR money that was made available through what we did with HIV/AIDS. The point is this: Let's use this opportunity, this crisis of Ebola, to make sure we have basic health care services in all our countries so we do not have another Ebola-type crisis in the future. That should be clearly one of our development goals.

Let's deal with good governance by having anticorruption guidelines. In my work as Chair of the U.S. Helsinki Commission, we have workable ways we can deal with corruption in countries and how we can fight corruption. Our trade negotiators right now are dealing with countries that are developing countries in the Trans-Pacific Partnership and are looking at how we can improve good governance in countries through trade legislation. We can be the leader in dealing with good gov-

ernance and anticorruption issues. It should be a Millennium Development Goal post-2015.

We need to have specific targets in educating boys and girls on health access and food security, climate change, good governance. The United States can be a leader. I do want to point out—and the Presiding Officer is very much aware of this—we have taken steps, this administration and this Congress, to pave the way for the post-2015 Millennium Development Goals. For example, we have the Feed the Future Initiative, where we help small farmers, particularly women, in dealing with sustainable agricultural products.

We do not just give food to the poor, we are looking at changing the economics within the country so they can have sustainable agriculture. The Global Development Lab that Administrator Shaw has proposed, again the Presiding Officer is one of the leaders on that. But here what we are doing is we are taking the USAID development assistance dollars and we are leveraging it with work already being done by our academic centers in America that are active internationally.

I am proud of the work Johns Hopkins does globally. I am sure many Members of the Senate know of the great work done by their academic centers with private companies. Why private companies? Because they get markets. They are interested in working with us to help sustainable economic progress in other countries, which helps us and allows our development assistance to be leveraged and to go further.

We need to be a leader in the post-2015 goals for millennium development within the United Nations.

I wish to underscore this last point. We need to do this because that is who we are—our values. Our values are humanitarian. We believe we have a responsibility to help, and that includes globally. But we do it because our national security also depends upon it.

We really understand that our national security is more than our soldiers and our weapons. It is very important to those who serve in our military. But our diplomacy, development assistance, and having stable governments globally help us become a more stable society and help us with our own national security.

I urge my colleagues to be involved with us. I look forward to working with Senator JOHNSON at the United Nations as we pursue many different missions. I hope one that we will pursue is the continuation of Millennium Development Goals post-2015 to continue to make progress in reducing world poverty and hunger.

Mr. President, I ask unanimous consent that the time in quorum calls be equally divided between the Democrats and the Republicans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE OF GUANTANAMO DETAINEES

Mr. CHAMBLISS. Mr. President, I rise today, along with my colleague from New Hampshire, to discuss an issue that has been spoken about on this floor over the last several years many times, but it continues to be a problem. The Senator from New Hampshire has been very focused, as have I, on this issue, which is the release of detainees from Guantanamo and the fact that we know that not only are there dangerous individuals there who should not be released, but we also know these individuals are returning to the fight, and they are scheming and planning and intending to do harm to America and Americans. So we wish to visit this issue again.

I wish to start off by saying that it is well-founded in our Nation's history that the United States has the authority to hold enemy combatants until the end of hostilities in order to prevent their return to the battlefield. For the past several years, each National Defense Authorization Act that has been signed into law by the President has recognized this principle and made clear that any Al Qaeda-affiliated terrorists, whether foreign or American, who takes up arms against the United States can be held under the law of war.

Because Congress authorized the use of military force against these terrorists shortly after they attacked us on September 11, 2001, detention within a military framework is often the best means of collecting valuable intelligence to prevent further terrorist attacks, while ensuring they remain on the sidelines for the duration of the conflict.

There are fundamental failures of the administration in the war against terrorism.

First, when the President announced the closing of the detention facility at Guantanamo in January of 2009, he left our Nation without a clear policy for detaining and interrogating suspected terrorists. Without such a policy, including one that identifies a facility for holding terrorists who are captured outside of Afghanistan, the intelligence community's ability to conduct ongoing intelligence operations has been severely limited.

Second and even more alarming is the ill-advised release of these Gitmo detainees back to the battlefields from which they came. I would suggest to

the Senator from New Hampshire that we are doing material harm to our national security efforts by purging the Guantanamo facility, particularly without a long-term plan for guaranteed monitoring, and I know she is going to address this issue. In fact, those who remain at Guantanamo Bay today are not low-level fighters who were in the wrong place at the wrong time; they are some of the most hardened, determined extremists we have encountered and remain singularly focused on bringing violence to the United States and our allies.

Shockingly, many of the detainees who are being transferred were determined to be too dangerous to transfer by the administration's own Guantanamo Review Task Force. Yet many of them are still being transferred. I have been to Guantanamo on several different occasions, the most recent time being about 3 months ago. I can attest once again that these truly are the most hardened and the most dangerous terrorists who exist today, particularly who are, obviously, in captivity. As we see these individuals on the screen, in their cells, we can see in their eyes that criminal activity is occupying 100 percent of their thoughts and that they truly are determined that they are going to, one of these days, get out of that facility and return to the battlefield.

There was one particular anecdote where the leadership at the facility and I were engaging in a conversation, and it was close to the cell of one of the individuals. All of a sudden we realized that individual was telling other cell mates that he was trying to hear what was going on in our conversation. It has gotten that sophisticated on their part when it comes to trying to figure out ways to communicate with the outside the ideas they have about killing and harming Americans and planning and scheming to one day, as I said earlier, leave that place and reengage in the fight.

Instead of working with Congress to develop commonsense policies to enable our national security personnel to detain and interrogate terrorists, this administration is releasing them back with little thought to their future actions. In this haphazard fashion, there is no uniform procedure for the continued monitoring of these individuals—individuals, I might add, who have already demonstrated a propensity for violence. Each country accepts them on their own terms with varying commitments and cooperation, making further monitoring by the intelligence community and our partners nearly impossible.

This is neither a safe nor a sustainable way of ensuring the national security of the United States, yet it has become an all too common practice in this administration. We know for a fact that a number of these former detainees are returning to the battlefield with renewed zeal to wage war against our American way of life.

According to the Director of National Intelligence, an additional four former Guantanamo detainees were confirmed to have rejoined the fight between July of 2013 and January of 2014, raising the combined suspected and confirmed recidivism rate to 29 percent. In addition, although the next report has not been released, we know this number will increase.

We constantly face new plots and operatives looking for ways to murder Americans, such as the foiled May 2012 AQAP plot that put another IED on a United States-bound aircraft. Thankfully, this plot and others did not materialize. But we are not going to always be that fortunate, especially in the absence of meaningful interrogation of terrorists and their imminent return to the battlefield.

We know that Al Qaeda in the Arabian Peninsula, or AQAP, today represents one of the biggest threats to the United States homeland, as well as personnel serving overseas. They are continually plotting against our interests and seeking new recruits, especially among our own citizens as well as former Guantanamo detainees.

Explosives experts, such as Ibrahim al-Asiri, continue to roam free, posing a tremendous threat to the safety and security of U.S. citizens. It is Mr. al-Asiri who is the bomb-making expert who has attempted to devise bombs that cannot be detected by the equipment in airports, so that they can hopefully place a bomb either inside an individual or on an individual who can secure a seat on an airplane without that bomb being detected as they go through the various checkpoints at airports around the world.

Additionally, as the Senator from New Hampshire again will allude to, this proposed closure of Guantanamo Bay presents significant risks for the United States as well as Yemeni efforts to counter AQAP inside of Yemen.

A substantial portion of the detainees remaining in Guantanamo Bay are, in fact, Yemeni citizens. Transferring these individuals to a country plagued by prison breaks, assassinations, and open warfare at this point could prove catastrophic. These detainees would likely rejoin several other former Gitmo detainees who have returned to the fight in Yemen, further destabilizing the country, and worsening an already tenuous security situation.

The most recent example of a totally failed and dangerous policy on the part of this administration is the exchange of the Taliban Five back in May. That decision, to release five individuals who now wake up every morning thinking of ways to kill and harm Americans, was wrong. This administration clearly and callously failed in its obligations of notifying Congress. It appears they did not comply with this requirement because they knew there would be objections to the release of those five individuals from both sides of the aisle here in the Senate, as well as across the Capitol on the House side.

This administration clearly decided they wanted to intentionally release these individuals in spite of the fact that we had included language in the previous Defense authorization bills requiring specific notification to Congress in advance of them doing so.

In addition to simply violating that notification requirement, the administration violated the Antideficiency Act by obligating funds that were not legally available. While the President has a habit of ignoring laws relating to domestic policies such as health care and immigration, this overreach will likely directly threaten the lives of our citizens and servicemembers in Afghanistan.

In the wake of the President's bold defiance of congressional oversight, I wrote the White House requesting the declassification of the 2009 Guantanamo Bay review task force assessments for the Taliban Five. I also requested, on the floor of the Senate, that the administration release these files so the American people can know what I know, and what the Presiding Officer knows, and decide for themselves if that was the right decision.

Today I renew that request and I call on this administration to fulfill its failed promises of transparency and show to the American people the very real stakes they are gambling with in their attempts to empty Guantanamo.

Nevertheless, this dangerous trend continues unabated, even amidst bipartisan calls for greater oversight after the Taliban Five release.

In November alone, seven detainees were transferred, three to the country of Georgia, two to Slovakia, one to Saudi Arabia, and another to Kuwait. Some of these countries have previously had detainees sent to them. We have mixed reaction as to the reengagement or the oversight that is provided in those countries. Some of those countries have never had a detainee they have taken possession of. We have no idea what kind of supervision they are going to exercise over these individuals.

Whether it is in Iraq, Afghanistan, or in other parts of the Middle East, Americans have fought and died in the war against Al Qaeda. Our Nation may be weary of war, but threatening elements still remain. Those five individuals, the Taliban Five to whom I alluded, are clearly threats to the United States. I urge President Obama as well as my congressional colleagues and the American people not to abandon the gains we have made in this fight against terrorism since 9/11. We must remain steadfast in our resolve to defeat extremists who oppose freedom, democracy, and our American way of life.

I look forward in my remaining days here in the Senate to working with colleagues such as my friend from New Hampshire and other Members of this body as we continue to face this growing threat.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. I thank my colleague from Georgia, Senator CHAMBLISS, for his incredible leadership on the Intelligence Committee, on the Armed Services Committee, and his deep commitment to ensuring that our country remains safe, that our freedoms are protected. I daresay from the time I have been in the Senate, Senator CHAMBLISS is one of the most knowledgeable people in this body about the threats we face, how we address those threats, and how we ensure that America remains safe. I thank Senator CHAMBLISS for his incredible leadership in this body, not only on the issue of how do we address ensuring that the detainees who are held—who are very dangerous—at Guantanamo Bay do not present additional threats to our country and to our allies, but on so many issues, ensuring that our intelligence officials have strong information and oversight to ensure that America remains protected.

I rise in support of what my colleague from Georgia has just talked about. If we look at what is happening around the world, the recent developments with ISIS, combined with the continuing threats we face here at home from Al Qaeda and its affiliates, it underscores the continuing need we have for a military detention facility that is outside the United States of America, that prevents enemy combatants who are at war with us from returning to the battle, and allows us a secure location to gather intelligence, to ensure that when we capture a member of Al Qaeda, or when we capture one of its affiliates that is in a position where the organization is threatening the United States of America that we take the opportunity to ensure there is a full and complete interrogation of those terrorists to make sure we know everything they know, to ensure we can prevent future attacks, and that the United States of America is protected.

So I would argue, as we look at what is happening around the world, the need for this detention facility actually has become more apparent. Yet what we have seen with the administration, as Senator CHAMBLISS has so eloquently outlined, is there has been a push—there was a political promise made in the President's campaign to close Guantanamo Bay. Despite having a policy as to how we are going to handle the capture of these enemy combatants, one that he worked with Congress on, and how we will ensure the full interrogation of those combatants to ensure information we need to protect our country, we have seen a rush to release people from Guantanamo Bay that has been accelerated recently, as my colleague from Georgia talked

about, where the Department of Defense has announced the transfer of seven detainees fairly recently.

Some of those detainees were reportedly assessed to be high risk. There are also questions about what are the conditions the countries that are taking these detainees are going to ensure so they do not return to the fight, where we have direct evidence of a 29-percent reentry rate with those who have been released from Guantanamo Bay, not just under this administration but under prior administrations, who are confirmed or suspected of having re-engaged in terrorism.

There is nothing that must appall our troops more than to be on the battlefield, or our intelligence officials or our allies, to reencounter a terrorist we had safely detained at a detention facility, at Guantanamo Bay, and to see that person again and to know they continue to be a threat to the United States of America and to our interests.

I would urge, I hope, my colleagues, now more than ever, that it is important we have that detention facility there that is safe, secure, and we can ensure that those who are captured, who want to do us harm, members of Al Qaeda terrorist groups—that we can ensure they cannot get back in this battle against us.

I specifically want to talk about the country of Yemen, because as a member of the Armed Services Committee—and Senator CHAMBLISS supported this effort—we passed an amendment in the Senate Armed Services Committee that would have prohibited the transfer of Guantanamo Bay detainees to the country of Yemen until December 31 of 2015. That provision was removed during the conference committee. I am being told we will not have a chance to debate that issue on the Senate floor or to amend the Defense authorization as it comes to the floor because—this is something that I cannot understand, why this provision was removed and why the administration would want the ability to transfer Guantanamo Bay detainees to Yemen.

Let's talk about what is happening in Yemen. Last May, President Obama, in my view unwisely, lifted the moratorium on detainee transfers to Yemen. Since that decision was made, between the date of the President's and the administration's order that we could potentially release detainees to Yemen—let me outline what has happened in Yemen since then.

That country has continued to be a place where there is instability, lack of government control, and, in fact, between November 24 and December 2 of 2014, Al Qaeda in the Arabian Peninsula reportedly claimed responsibility for 17 attacks in 8 Yemeni provinces.

I have a laundry list of very dangerous attacks that have occurred in Yemen. One of the most troubling things that has occurred—as we think about those who are present at Guantanamo who are very dangerous individuals, a number of them are Yemeni. If

they were to be transferred back to the country of Yemen—for example, in February of 2014, militants attacked Yemen's main prison, killing 7 and enabling 29 inmates to escape, including 19 members who were convicted members of Al Qaeda.

So I don't know why the administration would seek to transfer Guantanamo detainees to this country, where there have been prison breaks and where there have been multiple incidences of violent attacks by Al Qaeda. Yet this provision got dropped from the Defense authorization even though it had the support of the Senate committee. I am very troubled by that.

I am very troubled we will not have an opportunity to debate that on the floor. I would hope the administration would look very closely at the record of what has occurred in Yemen since the President has made the decision to end the moratorium on transfers to Yemen because it is an incredible list of dangerous activities and prison breaks by members of Al Qaeda.

So there is no way if we transfer someone from Gitmo to Yemen there, we can guarantee that those individuals will not get back in the fight, that they will not escape from any prison we put them in because that country cannot secure their security.

I want to talk about a very important issue as we look at this issue of the administration's rush to close Guantanamo; that is, the issue of ISIS.

There have been reports that a certain number of former Guantanamo detainees may be fighting with ISIS. We all saw—with horror—the acts of ISIS, how brutal they are, and the brutality that they have taken out on Americans, including one of my constituents. We all know ISIS is a group the President himself has said we need to defeat.

I have written the President and asked him about these reports. In fact, I wrote a letter to President Obama and requested that all international transfers be suspended until we could know more about potential Guantanamo detainees whom we released who may be getting in the fight in support of ISIS. It was recently reported that one former Guantanamo detainee has pledged his allegiance to the leader of ISIS and is recruiting fighters for ISIS in northern Pakistan.

If that is true we need to revisit not only ensuring that we aren't transferring dangerous detainees from Guantanamo to countries such as Yemen—and allowing them to be in a position to get back in the fight—but that we are also ensuring that we have a moratorium on transfers until we understand how many of these detainees may actually be joining ISIS and present a threat to us.

This issue—as we look at the national security challenges we face now—we have to reevaluate. I would hope the President would reevaluate the campaign promise he made in light of the national security threats we face. Now is not the time to be closing

the facility of Guantanamo when we are presented with so many threats around the world—not only from Al Qaeda but from ISIS—and we need a secure facility to ensure that those who are there now, who are tremendously dangerous individuals, don't get back in the fight to continue to harm us and our allies. Also, we need to ensure that if future enemy combatants are captured who are members of Al Qaeda or its affiliates, that they have a secure place where they can be held and fully interrogated.

I again thank my colleague from Georgia for his leadership on this issue and on so many national security issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PREVENTION AND PUBLIC HEALTH FUND

Mr. BLUMENTHAL. Mr. President, I am honored to be joined with my distinguished friend and extraordinary colleague Senator HARKIN of Iowa to support continued funding of the Prevention and Public Health Fund.

He has been a leader in this area, so I am particularly privileged to stand with him on behalf of a fund that is absolutely necessary to address prevention of serious and chronic diseases. It is fiscally and morally and absolutely essential that we approach health care in this way.

I am going to ask for permission to continue to speak. I am not sure what the allotted time is. If there is no objection, I ask unanimous consent for the time through 5 o'clock for myself, Senator HARKIN, and others who may join us in this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Our Nation currently spends 75 cents of every \$1 on health care for the treatment of preventable conditions.

These diseases can be stopped and prevented in people through simple, commonsense measures. Yet a meager 3 cents of every \$1 goes toward those treatments, therapies, and practices that can help prevent the diseases that are so wasteful to our economy, to individuals, and their livelihoods.

Our young people are on track to be the first generation of Americans to live a shorter, unhealthier life than their parents. The responsibility to change the course of this history is in our hands.

One step this body—led by Senator HARKIN—has taken is to establish the Prevention and Public Health Fund. It is the only dedicated Federal fund for the prevention and improvement of our Nation's public health. Prevention is the most effective way to improve the health of Americans while reducing health care costs in the United States. This funding supports efforts to reduce our Nation's rate of infant death, cancer, diabetes, heart disease, and tobacco use. They are the killers and they kill unnecessarily and avoidably.

Sadly, many Connecticut residents suffer from those very same chronic

diseases I mentioned. Thirty percent of Connecticut residents have high blood pressure, 9 percent have diabetes, 21,000 residents of Connecticut are diagnosed with cancer annually, and 16 percent still use tobacco.

The Prevention and Public Health Fund invests in a broad range of evidence-based activities—not speculative, not abstract, conceptual, theoretical—including community and clinical prevention initiatives that can help stop all Americans from developing debilitating and chronic disease in the future.

So far grants from this fund were awarded to support four Connecticut projects, including mental health and addiction, diabetes management in older and disabled adults, and the establishment of an electronic birth registration system to improve the ability to track the health and well-being of infants. It sounds pretty rudimentary—and it is—using technology to track the health and well-being of infants.

The Centers for Disease Control and Prevention has a hard-hitting anti-tobacco media campaign—funded from this fund—focused on the destructive health effects of smoking. It is not only effective, but it is supported by the efforts that we have advocated on prevention in health management.

Over the next 3 years this campaign is expected to save the country \$170 million in nonincurred health costs and lowered productivity that results from smoking. The CDC has estimated that this campaign will assist 50,000 tobacco users to quit smoking.

I know from my own work in suing the tobacco companies and establishing the fund to support exactly these kinds of efforts, that millions of Americans across the United States want to quit. They have tried repeatedly. Ninety-nine percent of all smokers want to quit and also try to quit, but quitting is hard because nicotine is one of the most powerfully addictive drugs known to man and cigarettes are a powerfully effective nicotine delivery tool.

These 50,000 tobacco users who quit smoking are better off, not only in their health but their pocketbooks. They save countless dollars that they would otherwise squander on unhealthy tobacco products. They are healthier, their families are happier, and they save themselves from a lifetime of addiction and disease. The preventive efforts of the CDC as a result of this fund are preventive in stopping young people from beginning to smoke as well.

It is monumental, it is historic, and it is a fund that should be fully supported by Congress. The fund accorded the CDC the ability to run another tobacco education campaign called "Tips from Former Smokers."

According to a recent study, this campaign led 1.64 million Americans to attempt to quit smoking. Those who have completely quit smoking as a result of the campaign added half a mil-

lion quality-adjusted life years to the population of the United States.

I know these numbers sound abstract and obtuse. They are real lives, and they have been saved from the evils of tobacco addiction and smoking, which in turn could cause cancer, heart disease, and all kinds of preventive diseases.

This funding is essential to running the local departments of health in many areas of our Nation. Workers at those departments of public health are in the forefront of preventing infectious diseases, an issue that most recently came into focus as part of the domestic Ebola response.

Without adequate funding for these departments, the people most closely tasked and most immediately responsible for providing services and information to people in the time of a crisis may be unable to respond when communities are most in need.

We must change the focus of our health care from sickness and disease to wellness and prevention.

We grew up, many of us, with our mothers telling us that an ounce of prevention is worth a pound of cure. That is not only an adage that is commonly repeated, it is commonly proved in everyday life.

I strongly encourage my fellow Members to support the Prevention and Public Health Fund to help ensure the future well-being of our fellow citizens.

I yield to my colleague Senator HARKIN, one of the leaders in this effort.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Presiding Officer.

I thank my friend and colleague from Connecticut for his very excellent, profound statement and for taking a leadership position on this very crucial issue.

It is obviously well known I am retiring in 3 weeks. The Prevention and Public Health Fund of which the Senator spoke so eloquently just now is going to continue, and it is going to need people such as the Senator from the State of Connecticut to take that kind of leadership position.

I believe people are catching on to it around the country, but there are still those who say: People get high blood pressure, they get borderline diabetes, they have high cholesterol. These things just sort of happen—sort of like they are preordained.

Chronic diseases are not preordained. As the Senator said, 75 percent of the money we spent was accountable for preventable chronic diseases and conditions. As the Senator so rightly said, what we need to focus on is keeping people healthy, not paying for it later on when they are in the hospital. That is something that this Prevention and Public Health Fund is making strides on.

People have perhaps a mistaken idea that health care only occurs in the doctor's office or in the exchange between doctor and patient or health care provider and patient. But we know that it

takes place in all aspects of life—in the workplace, in the communities in which we live, in our schools, in our homes. It has to be something that is sort of pervasive in our society.

I say to my friend from Connecticut that I have often said in America it is easy to be unhealthy and hard to be healthy. It seems to me that ought to be turned around. It ought to be easy to be healthy and harder to be unhealthy. That means the simple things in life, such as kids walking to school. If they have a school in their neighborhood, they should be able to walk to school and back. I often talk about when my kids went to school here in Virginia when we moved here from Iowa many years ago. We had a high school 1 mile from our house, but the kids couldn't walk to school. Why? There was no sidewalk. It was a busy street, but there was no sidewalk. Simple things like that.

Things such as the Senator mentioned, making sure people get their checkups every year. The prevention fund does that. It makes sure of that. The money we put in the Affordable Care Act provides for annual checkups and vaccinations for people with no copays and no deductibles. I am told that now over 100 million people have taken advantage of that in this country—no copays, no deductibles. They can go in for a free check and get their cholesterol checked, a blood pressure screening, and all that done on an annual basis.

We also have to be cognizant that our kids need to have better physical opportunities at school and better food at school. With the Healthy, Hunger-Free Kids Act of 2010 we started to change the way we provide foods for our kids—healthy foods, free and fresh fruits and vegetables in schools all over America. These are the things that make it easier to be healthy—easier to be healthy.

There are the quitlines the Senator spoke about, which have been enormously successful, and the “Tips from Former Smokers.” We have the data on that from the Centers for Disease Control and Prevention. So we know they are working.

So again, I wish to thank the Senator for his focus on this and wish him well in the future in being sort of the champion on this because there are a lot of pulls around this place. I think everyone here would say: Yes, I am for health care; I am for keeping people healthy. We all get that. But there are so many pulls around here on how to appropriate money and what we do that sometimes this gets lost in the shuffle. So I am encouraged and pleased the distinguished Senator from Connecticut will be focused on this Prevention and Public Health Fund. It is making changes all over this country in profound ways—in profound ways—and in our communities.

Our communities are now getting together. I say to the Presiding Officer, the communities in Maine are now getting together and thinking about what

they can do as a community to provide for more healthy activities and encouragement for people in their communities, and they are getting grants from the Prevention and Public Health Fund to do just that. Communities all over America are beginning to think about this and taking action.

It is simple things sometimes. A small community in Iowa—a very small town—had a retirement home for the elderly, but they didn't have any place for the elderly to exercise. So they built a walking path. They put park benches along the way and a couple of little shelters so they could come right out the door and walk. I don't know how far it is—maybe a mile or two. So it is just simple things like that. Before they had no place to go at all to get that kind of exercise.

So again, this Prevention and Public Health Fund, I hope, will remain a priority, and I hope the Senator from Connecticut will continue his great leadership in this area. I thank him for that and for his excellent statement. If on the outside I can ever be of help in any way, let me know. But I know it is in good hands with the Senator from Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I want, again, to thank my great friend, Senator HARKIN, for the legacy of public health advocacy that he will leave for all of us. I pledge to him that I will carry on, among many others, I am sure, that legacy and advocacy.

The Senator mentioned that it is easy to be unhealthy and harder to be healthy. Part of the reason is lack of awareness and education, and perhaps, in some instances, even a lack of income and wherewithal. Just let me pose the question to him of whether that impression is true.

Mr. HARKIN. If my friend will yield, I think that is absolutely true. First of all, it is true that a lot of times low-income people don't have access to a more healthy environment. The food deserts we call them in our inner cities, where they do not get the fresh fruits and vegetables and items like that. That has to be addressed also, making it easier for them to be healthy. Again, it is an awareness.

I would say to my friend one other thing, and I hope my friend will take a look at what is now undergoing a trial period. It is something that was put in the last farm bill as a trial period for food stamp recipients—people who are on what they call food stamps, which are not food stamps anymore, as the Senator knows—to provide incentives for low-income people, people who use food stamps, to purchase more fruits and vegetables rather than just starches, fats, and sugars. That project is ongoing now. So I would say to the Senator that perhaps next year he might want to take a look at that with the Secretary of Agriculture and see how that project is doing.

Again, this is just a trial, an experiment, to see what we can do to incentivize people who are on food stamps to use them more for more healthy foods. But it is that lack of awareness. The Senator is absolutely correct.

Mr. BLUMENTHAL. My impression also is—and perhaps the Senator has some views on this—that, in a way, we have a responsibility in this body to create that awareness and to spend the money on what should be regarded as an investment. It is spending, and it involves funding. But really the way to look at it is as an investment in education, in the clinics and the doctors and the services that can make Americans healthier and save us dollars over the long term—not only in the money spent on truly preventable diseases but also avoiding the suffering and the pain that is involved in many of those diseases, whether it is cancer or heart disease or diabetes, which are connected to so many preventable conditions.

Mr. HARKIN. I thank my friend. I remember Dr. Andrew Weil, who is very well known in this country and a good friend of mine, once made the statement sometime ago in a hearing that the default state of the human body is to be healthy. The body wants to be healthy. After all these millennia of changes, the body wants to be healthy. The problem is we put all these obstacles in the way.

I think that is true of people. People want to be healthy. They may not know that some of their lifestyle choices, some of what they do is provoking their illnesses. So I think it is our job to make people more aware of that and to help to provide some assistance, to provide some incentives for them to have a more healthy lifestyle.

I say to my friend from Connecticut, people will be here, I hope, for the next highway bill. We haven't been able to get one for a long time. I was here for the last one. I had an amendment I thought was going to pass. It was simply this: Any time Federal funds are involved in communities for streets or roads or highways or bridges or whatever, there must be incorporated in the plan provisions for walkways or bike paths along the side. I didn't say they had to build them. I just said they had to be put in the plans.

They are doing that in Europe, by the way. Every road, every street built has a walkway or a bike path—both for walking or biking.

Someone here objected to it, and we didn't get it. But I still think that would be something, again, to make people more aware. If they are incorporated in the plans, they might see it doesn't cost that much more to add it on to a road or bridge or whatever—the streets we are building in this country. Again, it makes it easier for people to be healthy—just a little thing like that. So I hope the Senator would take a look at that the next time the highway bill comes up.

Mr. BLUMENTHAL. Mr. President, I certainly will pledge to do so and will

think of the Senator from Iowa when we do, hopefully, consider the next such highway bill. But let me just say, in conclusion, for myself, I was not going to mention the “R” word—the retirement word—because it seems almost impossible to imagine this body without the Senator from Iowa not only because of his advocacy of the Prevention and Public Health Fund but also his constant reminding us and his unceasing advocacy for better public health, for championing the interests of ordinary working men and women. So I thank him for that legacy to me and for so many others.

Mr. HARKIN. I thank the Senator for his kindness.

The PRESIDING OFFICER. The Senator from Iowa.

INTERNATIONAL DISABILITY RIGHTS DAY

Mr. HARKIN. Mr. President, I see my friend from Tennessee here on the floor, but I want to take a few minutes on another subject.

Today, December 3, is International Disability Rights Day—International Disability Rights Day. It is observed around the globe as a day to think about, consider, and support more fully inclusion of people with disabilities in all aspects of our societies, to provide the support and the accommodations for people with disabilities to get a good education, to get employment, and to be able to enjoy all aspects of life with their families and their friends in all societies around the world.

This date commemorates this fight for equality and opportunity and access for people with disabilities all around the globe. In 150 countries and the European Union, they have ratified the United Nations Convention on the Rights of Persons with Disabilities, a day to celebrate a future of increased opportunities and inclusion for people with disabilities.

I am proud of the fact that we in America have been the leader in the world on disability rights and inclusion. Beginning with IDEA—the Individuals with Disabilities Education Act—and followed up by the Rehabilitation Act, the Americans with Disabilities Act, and the Americans with Disabilities Act Amendments Act of 2008, we helped set the framework for equal opportunity and full participation for individuals with disabilities. Most of the world now shares those principles, and they have shown their support by signing onto this treaty—this convention. But there is a difference between signing on to principles and implementing them.

By ratifying the CRPD, as it is known—the Convention on the Rights of Persons with Disabilities—we can play an important role in helping other countries actually implement that treaty, that convention, those principles.

Under our system of government, the President of the United States has already signed for the United States on this treaty, but under our system of

government, under our Constitution, that must be ratified by a vote in the Senate, a vote requiring two-thirds of those present and voting—not two-thirds of the Senate, two-thirds of those present and voting. That is what it says in the Constitution.

As we all know, 2 years ago this month we brought this treaty up for a vote in the Senate, and it failed by six votes. I think at that time there was a lot of misinformation about it. But under our system, it had to go back to the White House, it having died that Congress. It came back this Congress under the great leadership of Senator MENENDEZ. We had further hearings on it. The bill was reported out of the Foreign Relations Committee this summer. Yet we cannot bring it to the floor because of some objections by a few on the Republican side—not every Republican, just a few.

I always want to point out that we had courageous Republicans supporting this. Ever since the adoption of the Americans with Disabilities Act, Senator MCCAIN has been a stalwart supporter of the rights of people with disabilities. Senator BARRASSO from Wyoming, Senator KIRK from Illinois, Senator AYOTTE from New Hampshire, Senator MURKOWSKI of Alaska, and Senator COLLINS from Maine have all been supporters. That is as it should be. Disability policy has never been a partisan issue. In this body, in the 30 years I have served here, it has never been a partisan issue.

I am sorry the Convention on the Rights of Persons with Disabilities seems to be caught up in some kind of partisanship, and that shouldn't be. I was hoping we might bring it up for another vote before we left. I asked consent to do so, and it was objected to by the junior Senator from Utah at that time. So this Congress will adjourn once again without ratifying this convention.

Last evening I was privileged to share an honor by the U.S. International Council on Disabilities with Professor Patrick Quinn, a citizen of Ireland, who was very instrumental in drafting the Convention on the Rights of Persons with Disabilities at the United Nations. He pointed out that much of what they did was based on the Americans with Disabilities Act and that it would send a bad signal around the world if we aren't going to join with the community of nations in helping them implement the principles. As I said, we can sign on to the principles, but implementing them is quite another story. That is where we can be very helpful.

Some people say that we can do that on our own, that we don't need to be a part of this treaty. But we don't have the wherewithal to go to every country and do that. We don't have that many personnel. We have budget constraints too. But if we join with other nations—and there are other nations that are very good at implementing disability policy, both in the European Union—

and I might mention that great nation of Ireland. They have been very good at implementing disability policies. We could work with other countries, and when we go to other countries to help them implement these principles so that people with disabilities can have a fair place in their societies, an equal place in their societies, it is better if we speak a common language—not the United States going in and telling them “Here is what you should do” but go into a country with other nations and say “Here is what we do. Here is what we do together. Here is what we can do to help you implement the principles on which you signed the treaty.” It is a shame we can't ratify it.

Again I point out, as I have many times, that it has broad support in our society. Think about this. We have a measure coming before the Senate—that doesn't go before the House, just the Senate. We have a measure that is supported by the following: The U.S. Chamber of Commerce—Tom Donahue has been a stalwart supporter of this from the very beginning. We have the U.S. Chamber of Commerce. The Business Roundtable, led by a former Republican Governor of Michigan, John Engler, came out in strong support of this. The veterans groups all support this. We have all of the faith-based groups. In fact, on November 10 of this year, we received a letter from the National Association of Evangelicals supporting this treaty. The high-tech industries. All of the disability groups without exception support this.

I must also mention that one of the strong supporters who has poured his heart into trying to get this adopted is our former majority leader of the Senate, Bob Dole. I would also point out that every former Republican leader of the Senate supports this treaty—Bob Dole, Trent Lott, and Bill Frist. Every former President of the United States, from Jimmy Carter, to George H.W. Bush, to President Clinton, President George W. Bush, and President Obama—all support this. So we would think this would be a slam dunk, but there are a few who have blocked this from coming up. Over 800 disability, civil rights, and faith groups, 20 top veterans organizations, and I mentioned the Chamber of Commerce and the Business Roundtable—all support this.

It is sad that on this International Disability Rights Day, I am sad to say, it looks as though the clock is running out and we will not even vote again on it this year, let alone adopt it.

Next year I will not be here. I am retiring next year. My friends on the Republican side will take over the Senate. I hope they will pick up on this and take this treaty—move it through their committee and bring it out on the floor. It should not be a partisan issue. If there are some things that need to be done with the reservations, understandings, and declarations, fine. There were some changes made this last time to accommodate the concerns

of people who were concerned about homeschooling. There is a whole new thing that was put in there on homeschooling.

I am hopeful we will continue our efforts to pass this and to become a part of this international effort.

People wonder: The United States—we are so good on disability policy, we can help people with disabilities all around the globe. I can't say how many times I have had people who have talked to me in the past, young people who are students in universities who got some kind of a grant to go overseas to study but can't do it because of accessibility issues in other countries. They just can't get around. They can't find adequate housing. So it is still part of discrimination globally, and, again, we should be a part of it.

So I take the floor on this International Disability Rights Day to ask that this Senate in the future take up the Convention on the Rights of Persons with Disabilities, ratify it, and let's become a part of the international effort to work with every other country in the world to implement the kinds of policies we have in this country that provide equal opportunity, full participation, independent living, and economic self-sufficiency to people with disabilities—the four great goals of the Americans with Disabilities Act. We can do this, we should do it, and we should do it with our friends around the globe.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, before I begin my remarks, I wish to acknowledge once again my gratitude for Senator HARKIN and his leadership for these past 2 years that I have had the privilege of working with him as ranking member of the Health, Education, Labor, and Pensions Committee and to acknowledge once again that there has been no one in this body on either side of the aisle who has been a greater champion for Americans with disabilities.

Mr. HARKIN. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for those kind remarks. Let me say again what a pleasure it has been to work with the Senator from Tennessee for the last few years. In the last couple of years, we brought a lot of meaningful legislation through our committee, signed by the President. In fact, as my friend from Tennessee pointed out, we had 21 bills through our committee signed by the President—the most productive committee I think in the entire Congress; I know in the Senate.

So as I retire, the Senator from Tennessee, I hope, will be taking over the HELP Committee, and it will be in good hands. The Senator is a person of good will and good heart and good mind. After all, he has all the background needed—former president of the University of Tennessee, former Sec-

retary of Education, former Governor, and, of course, U.S. Senator. So the HELP Committee will be in good hands with the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Iowa.

INLAND WATERWAYS TRUST FUND FEE INCREASE

Mr. President, the House of Representatives is expected to pass tonight legislation that should be very good news to Americans who care about their jobs and Americans who care about the condition of our inland waterway systems.

Inland waterway systems aren't on the front page of the U.S. newspapers until a lock closes or something happens and the cargo can't get down the river, and then it is big trouble. Which is the case in Tennessee with the Chickamauga Lock, an old lock that the Army Corps of Engineers says could close. It is in such bad shape, and if it were to close it would throw 150,000 heavy trucks on I-75 and disrupt the economy in all of eastern Tennessee. That same picture applies in many other parts of our country to these important waterways: The Mississippi, the Missouri, the Tennessee, and the Ohio—rivers that carry so much of the heavy cargo that provides income and jobs for so many American families.

Tonight the House of Representatives is expected to enact the third part of a three-part plan that was envisioned in the American Waterworks Act of 2012, which would provide a permanent, long-term solution to having the kind of inland waterway system that a great country such as the United States deserves. I wish to speak for a moment about the effect that has not just on our country but on my home State of Tennessee.

For our country, it would be hard to imagine how we could carry cars and coal and agricultural equipment from the great Midwest and the South to the rivers to be shipped overseas without the barges that carry that equipment, millions of tons of cargo every year, and it is usually cheaper and faster than many other forms of transportation. That means more jobs and more money in the pockets of Americans who are able to work for industries that are competitive.

The legislation the House is expected to pass will provide \$260 million for inland waterway projects across the country over the next 10 years. It is important to note that this fee is paid entirely by the owners of the big commercial barges that use the locks when they go down the rivers, and that none of it would be paid by the fishing boats and recreation boats which also use the locks. In other words, the big commercial barges are going to pay more to get through the locks faster, to save money and to save time, and that is good for the fishermen as well, without any cost. This is the third step in the American Waterworks Act that was proposed in 2012.

This step would increase by 9 cents the way the fee is calculated that the big barge companies pay to go through the locks. The barge companies have

volunteered to do this. They have been pleading with the U.S. Congress, saying, "Please raise the fee we pay to go through the locks so you can use the Corps of Engineers to replace the locks so we can go through faster and cheaper." So the House is taking steps to do that tonight. The fee will increase from 20 to 29 cents per gallon of fuel used and, as I said, \$260 million of that over the next 10 years will go to help repair these locks.

The first two steps in the plan of the American Waterworks Act were enacted by law earlier this year as part of the Water Resources Reform and Development Act. Step 1 was to take the Olmsted lock in Ohio and treat it separately, because it was soaking up all the money that might be available for all the other locks in the country. Step 2 was to create a prioritization of the locks, so we didn't come here every year and say my lock is more important than your lock. And, in fact, with that, the Chickamauga lock in Tennessee became No. 4. And Step 3 is the user fee I talked about earlier.

What difference does this legislation mean for the State of Tennessee and the Chickamauga lock? Well, for years the Chickamauga lock has been subject to year-by-year efforts by those of us in Congress to find a little money to repair it, to keep it from closing, all knowing full well that if we didn't replace it, it would one day soon close. Those days are over. This is a long-term solution that says, No. 1, the Olmsted lock which has been soaking up the money has been reduced, Chickamauga lock is a fourth priority in the government, and now we have money paid by the big barge owners that, when combined with the annual appropriations, should make it possible to begin to replace Chickamauga lock beginning in the year in 2016. That would mean it would still take several years to replace the lock. It would mean it would still cost about half a billion dollars. But it would mean that instead of year-by-year appropriations and guessing games that the Army Corps of Engineers can have a long-term plan and begin to do the job, and those who are making plans to invest in our part of the region—not just in Chattanooga but in eastern Tennessee—can know if they do that, the lock would be there to help provide low-cost transportation for what they manufacture and what they grow.

I want to thank a variety of people who have taken great leadership in this. The Senator from Pennsylvania, Senator CASEY, and I have been the joint sponsors of this legislation in the Senate. We are very hopeful that the House will do its work tonight and the Senate will do its work next week and that the bill will go to the President before the end of the year and this will be law by the end of the year. So I thank him for his leadership.

I also want to congratulate Congressman FLEISCHMANN of Chattanooga who

rounded up a group of Republican Members to support this effort, and Congressman DUNCAN from Knoxville. Speaker BOEHNER has been very helpful, and Congressman CAMP has been very helpful.

In the Senate I would like to thank Senator VITTER, who is the ranking member of the Environment & Public Works Committee for his leadership on this effort, and I would like to thank Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, for their cooperation on this.

Nothing is ever done in the U.S. Congress until it is finally done. So this is passing the House tonight and it is expected to pass the Senate next week, which is very good news for Americans who depend on the inland waterways for their jobs, and in Tennessee where change—instead of a year-by-year appropriation, it is an effort, it is the first chance we have had to have a long-term solution to the replacement over the next several years of Chickamauga lock beginning as early as the year 2016.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

KEARNEY AND PAPPERT NOMINATIONS

Mr. CASEY. Thank you, Mr. President. I rise and ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Thank you, Mr. President.

I rise this evening to talk about two of our judicial nominations who are before the Senate today. We have gotten through one vote, and we will be having several more on a number of judges. The two I will speak about are Mark Kearney and Jerry Pappert, and I know my colleague Senator TOOMEY is with us and I will make some remarks and I will obviously be here for his remarks as well.

First and foremost, I am grateful to be working with Senator TOOMEY on these nominations as we have on others. It is a long and difficult process for everyone, ever more so if you are a candidate, someone who puts yourself forward to be a U.S. district court judge. We are grateful that individuals are willing to do that, but it does not work unless we work together here in the Senate, and Senator TOOMEY and I have been working together over several years now. We have got one additional nomination after this, we hope, by the end of the year.

I would like to give a little bit of biographical background on both of these nominees. Mark Kearney is currently managing shareholder at Elliot Greenleaf & Siedzikowski, where he has worked since 1990. He has spent almost a quarter of a century in a firm that does a wide variety of legal matters. I know this firm well and I know the work they do on litigation and all kinds of complex litigation. Mark has broad and diverse experience in that

firm. Previously he worked at the Elliot Mannino & Flaherty firm, going back and forth in his days at the Elliot Greenleaf & Siedzikowski firm.

After law school he clerked in the Delaware Court of Chancery following his legal training. Of course that is a court that has a high degree of specialization. A lot of business matters and obviously corporate matters come before that very well-known court in Delaware.

Mark Kearney is also obviously very active in his community and I have known him for a couple of decades now. He serves on various charitable and civic organizations including director for Legal Aid of Southeastern Pennsylvania, the Pennsylvania Bar Institute as well, and the Montgomery County Bar Foundation.

Finally, in that vein of service to his community, he has worked as a volunteer child advocate of the Montgomery Child Advocacy Project since 2007 and served as director of that organization from 2009 to 2012. Montgomery County is one of our largest counties by way of population, just bordering Philadelphia. It is a big county that has challenges as any county of its size, and to have a judge—or nominee whom we hope will become a judge after our voting—to have spent that time with children in an advocacy position is a great testament to Mark's commitment.

So whether you focus on his academic credentials as someone who had a wide variety of matters come before him as a lawyer in a big firm, whether it is volunteer work and therefore his commitment to service, Mark is well prepared and I believe one of the best nominees we have put forward for the U.S. District Court for the Eastern District of Pennsylvania.

I have known him a long time. When I make a decision about whether to support a particular candidate for judge of any court, but especially a district court judge, I look at their academic training and experience and whether it is experience as a lawyer and advocate or in some cases a lawyer as well as a judge. You have to make an assessment of someone's character, their integrity, their judicial temperament, all of those qualities and attributes you would want to find in a judge. On all those, Mark Kearney is someone I know personally who possesses those attributes and qualifications. But I also know him as someone who just by virtue of his record that we can recite here is well prepared to serve as a district court judge.

I would ask my colleagues to give him on this vote all the consideration that is warranted.

Jerry Pappert, more formally Gerald Pappert—I think I am allowed to call him Jerry until he becomes a judge—is someone I met in State government. I was in an elected position—it is now 18 years ago I was elected, and early in my term I was having a meeting with the attorney general, Mike Fisher, who is now on the Third Circuit Court of

Appeals. Attorney General Fisher brought his chief of staff, his first deputy, as they called it in that department, to a meeting with my chief of staff and we sat down at a restaurant to have pizza one night to talk about how our offices could work together, even though they don't have an overlapping jurisdiction. But it was one of those meetings you never forget. It was the first time I met Jerry Pappert. I knew then of his commitment to service, because he was serving in the top position in the State attorney general's office. Years later he became an attorney general when there was a vacancy. He served as the attorney general of Pennsylvania.

He currently serves as the chairman of the Pennsylvania Banking and Securities Commission in Harrisburg. Previously he was a legislative appointee to the Commonwealth Financing Authority and Department of Community and Economic Development, a very important authority which makes determinations about where to invest tax dollars—economic development dollars—across Pennsylvania and how to make those difficult decisions about where dollars should go and how to grow the economy.

From December of 2003 to January of 2005, as I mentioned, he was the attorney general of the State, and prior to that serving as first deputy. As attorney general he was in the National Association of Attorneys General, dealing with issues that relate to Pennsylvania and law enforcement and prosecution, but also on national issues that are common to all the States. So I know Jerry well and I know him to be someone of the highest caliber and integrity and commitment to service and commitment to justice. His long and significant history of service to our Commonwealth prepares him well to serve his Commonwealth, but also a Federal district court position as a U.S. district court judge.

I can say the same of Jerry that I said of Mark Kearney, in terms of his qualifications, experience, but also his character and his integrity. I am grateful to have the opportunity to speak about both of these candidates and certainly am grateful to have a chance to work with Senator TOOMEY on moving these nominations forward and we hope tonight bringing them to a conclusion upon confirmation.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Thank you, Mr. President.

I rise to offer my support as well to the two nominees to serve as judges for the U.S. District Court for the Eastern District of Pennsylvania, Jerry Pappert and Mark Kearney, whom we are scheduled to confirm in a short time.

Let me start by thanking Chairman LEAHY and Ranking Member GRASSLEY for facilitating this process and handling this at the committee level, and

I want to thank Leader REID and Leader MCCONNELL for bringing these nominees to the Senate floor. I also want to take a moment to thank my colleague from the great Commonwealth of Pennsylvania, Senator CASEY, for all the work he and I have been able to do together. The collaboration we have had has been very constructive and it has been a pleasure to work with Senator CASEY. In the 4 years I have been in the Senate, we have confirmed 11 district court judges. We have been able to place a judge in the Reading courthouse in Berks County which had been vacant for 3 years. We were able to place a judge in Easton courthouse in Northampton County which had been vacant for 10 years. With the confirmations that I am certainly hopeful about tonight, Mr. Pappert and Mr. Kearney, that number will rise to 13 members of the Federal bench from Pennsylvania in just the past 4 years.

We have one additional district court nominee, Joseph Leeson, awaiting a vote from the full Senate, and I am looking at a speedy confirmation of his candidacy as well.

Before I speak on the two nominees before us this evening, I want to briefly note how pleased I was that on November 20 the Senate confirmed Wendy Beetlestone to serve on the District Court for the Eastern District of Pennsylvania. She was confirmed unanimously by voice vote and I think that was a testament to her strong qualifications. I am delighted that Senator CASEY and I were able to see that to completion.

Let me say a couple of words about Jerry Pappert.

Senator CASEY spoke about Mr. Pappert. Jerry Pappert is eminently qualified for this post. He is a graduate of Notre Dame Law School and has an extensive and diverse legal background. He is currently a partner at Cozen O'Connor, which is a practice that has an emphasis on commercial litigation.

Prior to that he was the general counsel at Cephalon, where he oversaw all of the company's litigation, financial transactions, and intellectual property issues.

Not only has he handled a very wide range of issues in the private sector, but Mr. Pappert has also demonstrated his dedication to public service. As Senator CASEY pointed out, he was a very successful attorney general for Pennsylvania for 6 years. He has successfully argued cases before the U.S. and Pennsylvania Supreme Courts. He won a landmark case before the U.S. Supreme Court, *Booth v. Churner*, which set forth the administrative exhaustion requirement for a prisoner seeking to sue in Federal court.

Mr. Pappert has also enjoyed bipartisan support in the Senate. The Senate Judiciary Committee successfully voted him out of committee on a voice vote back in September.

Mark Kearney is the other gentleman we will be voting on in a short time. He

is a graduate of Villanova University School of Law and a very successful attorney. As Senator CASEY pointed out, he is a managing shareholder at Elliott Greenleaf & Siedzikowski, where he has been for 24 years and practices commercial litigation.

Mr. Kearney is highly respected by his colleagues. He received the AV peer review rating in the Martindale-Hubbell system—the highest rating. He has also taken time to give back to his community. He put a lot of time and energy into an issue that is very important to me; that is, protecting children from dangerous predators. Mr. Kearney has worked with the Montgomery County Child Advocacy Project, representing abused children, and I commend him for that service.

Mr. Kearney has also enjoyed bipartisan support in the Senate. He was voice voted out by the Senate Judiciary Committee, reflecting unanimous support for his candidacy.

It is clear, and I believe strongly, that both Mr. Pappert and Mr. Kearney have the experience, acumen, and commitment to public service that will make them excellent additions to the Federal bench. I am pleased to speak on their behalf, and I am grateful to Senator CASEY for the cooperative effort that has gotten us to this point.

I urge my colleagues to support the confirmation of these two outstanding individuals.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

NOMINATION OF DAVID J. HALE TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David J. Hale, of Kentucky, to be United States District Judge for the Western District of Kentucky?

The nomination was confirmed.

NOMINATION OF MARK A. KEARNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Mark A. Kearney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

NOMINATION OF GERALD J. PAPPERT TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will

the Senate advise and consent to the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Orr nomination.

Who yields time?

Mr. GRASSLEY. I yield back our time.

Mrs. FEINSTEIN. I yield back our time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy.

Harry Reid, Mary Landrieu, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Patrick J. Leahy, Richard J. Durbin, Robert P. Casey, Jr., Christopher A. Coons, John D. Rockefeller IV, Carl Levin, Bill Nelson, Ron Wyden, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 71, nays 25, as follows:

[Rollcall Vote No. 306 Ex.]

YEAS—71

Alexander	Blumenthal	Cardin
Ayotte	Booker	Carper
Baldwin	Boxer	Casey
Barrasso	Brown	Chambliss
Begich	Burr	Coats
Bennet	Cantwell	Collins